

Environmental Quality Commission
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ENVIRONMENTAL QUALITY COMMISSION

14 REILLY ROAD
FRANKFORT, KY 40601-1132
Telephone: 502-564-2150 Fax: 502-564-4245
e-mail: EQC@mail.state.ky.us
web site: www.kyeqc.net

January 24, 2002

The Honorable Paul E. Patton
State Capitol
Frankfort, KY 40601

Dear Governor Patton:

The Environmental Quality Commission (EQC) would like to commend you for your recent efforts to address environmental and other issues associated with 29 new and expanded power plants proposed in Kentucky.

EQC appreciates your actions in calling for a moratorium to assess the impacts that these power plants may pose to the environment, public health and our communities. It is our hope during the next 6 months of the moratorium Kentucky will work to address the many issues associated with both proposed and existing power plants including the following.

- **Siting** – EQC supports your efforts to create a merchant power plant and transmission facility siting board. The commission also recommends that rather than setting arbitrary siting setbacks, the legislation include provisions to more fully assess and mitigate impacts posed by merchant plants and transmission facilities. Such as requiring “integrated environmental and community assessments” (as currently required for PSC regulated power plants) along with appropriate standards to address/mitigate impacts. EQC further recommends that these requirements be retroactive to any facility under review which has not received a construction permit.
- **Air quality** – The proposed power plants will add additional pollution to our air. These emissions combined with the emissions from existing power plants pose health and environmental risks. EQC supports the findings of the Natural Resources and Environmental Protection Cabinet (NREPC) to assess health risks of toxic air pollutants emitted by existing power plants to determine risks to humans and its impacts caused by deposition and other exposures. EQC further supports additional measures to collect more representative ambient data.
- **Water Quality** – Power plants consume large amounts of water everyday. EQC supports the findings of the NREPC to remove the exemption of water withdrawal permits for power plants to better manage our water supplies and protect aquatic life. EQC also endorses the need to establish groundwater standards and appropriate permit limits for constituents being discharged



Celebrating 30 years of protecting Kentucky's environment

by power plants, as recommended by NREPC. EQC also supports the NREPC's findings to require groundwater monitoring at ash ponds and the treatment of contaminated groundwater to ensure it is safe for consumption where appropriate.

- Land Quality – The proposed power plants will generate an additional 15 million tons of ash to the already 9 million tons being generated by existing plants. EQC supports the NREPC's findings to require additional oversight and regulation of the reuse of ash as fill material.

The commission also recognizes the need for additional staff to review permits and conduct inspections of power plants and associated facilities. If we are to achieve your vision of the “best environment in the nation” we must make additional investments to ensure our environment is properly safeguarded. While the number of permitted facilities in Kentucky continue to grow, the Department of Environmental Protection's budget has seen little growth during the past several years. We respectfully request, should the fiscal situation improve, that strengthening the Department of Environmental Protection's air, water and waste permitting and oversight programs be made a high state priority. We hope that additional funding can be secured to ensure power plants and other facilities in Kentucky operate in a manner that is protective of human health and the environment.

Sincerely,

A handwritten signature in cursive script, reading "Aloma W. Dew". The ink is dark and the signature is fluid, with a long, sweeping tail on the final letter.

Aloma Dew, Chair

Cc: Crit Luallen, Secretary, Governor's Executive Cabinet
James E. Bickford, Secretary, Natural Resources and Environmental Protection Cabinet
Tom Dorman, Director, Public Service Commission
Representative Jon Draud